

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BENJAMIN HENDRICKS,

Plaintiff,

v.

Civil Action 2:11-cv-00937

Judge George C. Smith

Magistrate Judge E.A. Preston Deavers

JOHN DESMARAIS, *et al.*,

Defendants.

ORDER

This case is exempt from the Federal Rules of Civil Procedure initial disclosures and discovery conference requirements set forth in Rules 26(a)(1) and 26(f). *See* Fed. R. Civ. P. 26(a)(1)(B)(iv) and 26(f)(1). Accordingly, the Court establishes the following schedule in accordance with Federal Rule of Civil Procedure 16(b):

1. AMENDMENTS TO THE PLEADINGS AND/OR JOINDER OF PARTIES:

Motions or stipulations addressing the parties or pleadings, if any, must be filed on or before **MARCH 23, 2012.**

- 2. DISCOVERY:** Discovery may proceed and must be completed on or before **OCTOBER 22, 2012.** Depositions of any persons who are incarcerated may proceed on such terms and conditions as the institution shall impose. The Court advises the parties that the discovery completion date requires that discovery requests be made sufficiently in advance to permit timely response. The Court further advises that motions relating to discovery, if any, shall be filed within the discovery period unless it is impossible or impracticable to do so.

3. **DISPOSITIVE MOTIONS:** The parties shall file motions for summary judgment, if any, on or before **DECEMBER 21, 2012**. The Court expects the parties to conduct any discovery that may be needed to address any potential motion for summary judgment within discovery period set forth above.

Defendants must file any motion raising the defense of qualified immunity on or before **DECEMBER 21, 2012**. If Defendants do not file a motion raising the defense of qualified immunity, the defense may still be raised at trial, but cannot be raised by way of a pre-trial motion unless Defendants first demonstrate exceptional circumstances. The Court's appointment of counsel for Plaintiff, if ever, or the setting of a date for trial or evidentiary hearing, do not constitute exceptional circumstances.

4. **EXTENSIONS/MODIFICATIONS:** The Court will not modify or extend the dates set forth in this Scheduling Order without a written motion which sets forth particular reasons why good cause exists to grant modification. *See* Fed. R. Civ. P. 16(b)(4).

IT IS SO ORDERED.

Date: January 24, 2012

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers
United States Magistrate Judge